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To: United States Patent and Trademark Office
Central Facsimile

Fax: 571-273-8300

Phone:

Re: Response to Decision on Petition

Appl. No: 10/726,801

Atty File: 309-002

FROM: Sandra L. Etherton, Reg. No. 36,982

FAX: 602-681-3339

PHONE: 602-681-3331

PAGES: 8 including cover

DATE: December 11, 2006

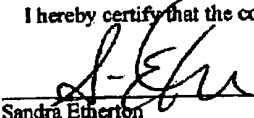
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PLEASE DO NOT DISSEMINATE TO OTHER THAN ADDRESSEE.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Applicants: TILLEY, Michael J. and CLARK, Douglas Linc
Title of Invention: Fastener Starting Tool
Filed: Herewith
Application No.: 10/726801
Atty Docket No.: 309-002

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CERTIFICATE OF TRANSMISSION under 37 CFR §§1.8 and 1.6(d)		
I hereby certify that the correspondence listed above is being transmitted by facsimile on the date indicated below to the Central Facsimile Number listed below.		
 Sandra Etherton	12/11/06 Date	571-273-8300 Central Facsimile

RESPONSE to DECISION on PETITION

Mail Stop PETITIONS
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a response to the Decision on Petition dated October 11, 2006. The Decision gave a response period of two months from that date. This response is filed within that period and is therefore considered timely filed.

Subsequent to the Decision on Petition, Applicant made another attempt to locate the unsigned inventor, Douglas Linc Clark, and found him in prison. Applicant mailed a copy of the application papers to him there and Mr. Clark signed the declaration. The declaration signed by Mr. Clark is undated, but in light of the date the correspondence was delivered to the prison (December 2, 2006), and the date of the letter from Mr. Clark that accompanied the signed declaration (December 4, 2006), it is reasonable to assume the declaration was signed

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Response to Decision on Petition
Page 2

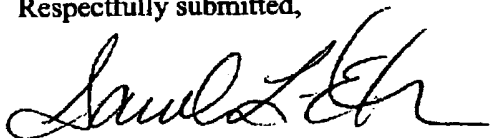
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on or between December 2, 2006 and December 4, 2006. A copy of the signed declaration and Mr. Clark's letter is enclosed.

Therefore, Applicant believes that all deficiencies have been corrected and requests a filing date for the above-identified patent application. Further, Applicant requests that the Application proceed to examination. Applicant believes no fee is due.

Respectfully submitted,



Sandra L. Etherton
Attorney for Applicant Tilley
Registration No. 36,982

Customer Number 33354
Etherton Law Group, LLC
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Suite 100
Phoenix, AZ 85008
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PTO/SB/01 (07-08)

Approved for use through 01/31/2007. OMB 0851-0032

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**☐ Declaration
Submitted
With Initial
Filing

OR

☒ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)Attorney Docket
Number 308-002

First Named Inventor TILLEY, Michael J.

COMPLETE IF KNOWN

Application Number 10/726,801

Filing Date December 12, 2003

Art Unit 3726

Examiner Name OMGBA

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I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Fastener Starting Tool

(Title of the invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 12/02/2003 as United States Application Number or PCT International

Application Number 10/726,801 and was amended on (MM/DD/YYYY) (if applicable):

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 116 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/01 (07-06)

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	<input checked="" type="checkbox"/> The address associated with Customer Number:	<div>33354</div>	OR	<input type="checkbox"/> Correspondence address below
Name				
Address				
City		State	ZIP	
Country	Telephone		Email	
WARNING: Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.				
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle (if any))		Family Name or Surname		
Michael J.		TILLEY		
Inventor's Signature			Date	
Residence: City	State	Country	Citizenship	
Phoenix	AZ	USA	USA	
Mailing Address 16236 N. 41st. Pl.				
City	State	Zip	Country	
Phoenix	AZ	85032	USA	
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.				

[Page 2 of 2]

PTO/SB/02A (07-06)

Approved for use through 01/31/2007. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
Page <u>1</u> of <u>1</u>	

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Douglas Linc		CLARK	
Inventor's Signature <i>Douglas L Clark</i>		Date	
Kingman Residence: City	AZ State	USA Country	USA Citizenship
Douglas Linc Clerk #210228 P.O. Box 6639			
Mailing Address			
Kingman City	AZ State	86402 Zip	USA Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	Zip	Country

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

BEST AVAILABLE COPY

December 04, 2006

by mail

Michael J Tilley
16236 N 41st place
Phoenix, AZ 85032

Etherton Law Group
5555 East Van Buren Suite 100
Phoenix AZ 85008-3422

I, Douglas Linc Clark, have co-invented certain
new AND useful Improvements IN A fastener starting
Tool.

At this time I have signed the Declaration
for Utility or Design Patent Application (37 CFR 1.63).

The previous Attempt to reach me by certified
mail on November 12, 2003 was unsuccessful
Due to the fact that it was not my proper
Address at that time.

Also at this time I Am rejecting the
Assignment of Patent Rights Agreement sent to
me.

In the future, please send all
correspondence to me at both addresses listed.

Douglas Linc Clark #210226
PO Box 6639
Kingman, AZ 86402

13408 W Carribeau
Surprise AZ 85379

Thank You

Douglas L. Clark

X Douglas L. Clark

12-04-06

Notary Cynthia J. Lieder

Comm Exp 09/30/2010

